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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,367	01/22/2004	Yoshifumi Katsuya	60188-758	3420

7590 01/18/2008
Jack Q. Lever, Jr.
McDERMOTT, WILL & EMERY
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Washington, DC 20005-3096

EXAMINER

EHNE, CHARLES

ART UNIT	PAPER NUMBER
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2113

MAIL DATE	DELIVERY MODE
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01/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,367	Applicant(s) KATSUYA, YOSHIFUMI	
	Examiner Charles Ehne	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yonemitsu (5,617,384).

As to claim 1, Yonemitsu discloses a management information correction device for a recording medium on which data and management information for managing playback or recording operation of the data are recorded, the device comprising:

correction manipulation means for outputting correction instruction information for correcting the management information under manipulation (column 9, lines 9-11);

management information holding means for holding the management information in the initial state and the management information corresponding to the current recording medium (column 9, lines 1-2); and

correction control means for correcting an abnormal portion of the management information corresponding to the current recording medium held in the management information holding means with reference to the management information in the initial state in response to the correction instruction information from the correction manipulation means (column 9, lines 57-61).

As to claim 2, Yonemitsu discloses the device of claim 1, wherein the correction instruction information from the correction manipulation means includes updating instruction information for updating management information on the recording medium (column 6, lines 44-50), and

the correction control means updates the management information on the recording medium to the corrected management information corresponding to the current recording medium in response to the correction instruction information from the correction manipulation means (column 9, lines 57-61).

As to claim 3, Yonemitsu discloses the device of claim 2, further comprising detection means for detecting the setting state of recording permit/prohibit setting means placed on the recording medium for setting whether recording is permitted or prohibited (column 6, lines 59-61),

wherein the correction control means does not update the management information on the recording medium to the corrected management information corresponding to the current recording medium when the detection means detects that the recording permit/prohibit setting means is in the recording prohibit state (columns 6-7, lines 59-10).

As to claim 4, Yonemitsu discloses the device of claim 2, wherein the correction manipulation means can output correction instruction information for selecting whether or not to execute the correction of an abnormal portion of the management information corresponding to the current recording medium held in the management information holding means with reference to the management information in the initial state and the

updating of the management information on the recording medium to the corrected management information (column 9, lines 51-56).

As to claim 6, Yonemitsu discloses the device of claim 2, wherein the correction instruction information output from the correction manipulation means includes return information for selectively instructing whether or not to return the current management information on the recording medium, which has been updated, to the management information before the updating (column 7, lines 16-20)

the management information holding means keeps holding the current management information from the recording medium (column 9, lines 51-57), and

the management information control means updates the management information on the recording medium and thereafter updates again the management information to the management information before the updating when the return information is included in the correction instruction information from the correction manipulation means (column 9, lines 57-61).

As to claim 6, Yonemitsu discloses the device of any of claims 1, 2, 3 and 4, further comprising playback manipulation means for outputting playback instruction information instructing playback of data starting from a data recording start position when playback operation based on the management information fails after the correction of the current management information from the recording medium held in the management information holding means (columns 6, lines 44-50),

wherein the correction control means performs playback of data starting from the data recording start position on the recording medium in response to the playback instruction information from the playback manipulation means (column 10, lines 2-4).

As to claim 7, Yonemitsu discloses the device of any of claims 1, 2, 3 and 4, further comprising recording manipulation means for outputting recording instruction information instructing recording of data starting from a data recording start position when recording operation based on the management information fails after the correction of the current management information from the recording medium held in the management information holding means (columns 9-10, lines 65-7),

wherein the correction control means performs recording of data starting from the data recording start position on the recording medium in response to the recording instruction information from the recording manipulation means (column 7, lines 16-21).

As to claim 8, Yonemitsu discloses the device of claim 1, wherein when a header address included in the management information corresponding to the current recording medium is abnormal, the header address is corrected to a header address included in the management information in the initial state (column 10, lines 14-19).

Response to Arguments

Applicant's arguments filed 6/21/2007 have been fully considered but they are not persuasive. Applicant states on page 3-4: "In other words, Yonemitsu corrects errors using C2 and C1 parity information (which is also subject to recording and reading errors), and not with reference to any information in the initial state".

Examiner respectfully disagrees. Yonemitsu discloses wherein the TOC information is recorded on a portion of the disk and the error detection code is added at the end of the sector, each sector comprises 2048 bits of useful data, parity bytes and EDC code (column 6, lines 46-58). This information that is recorded is the original data. Since this data never changes because it is used for recording operations, the data that was recorded with the EDC and the parity bits is the original data (column 8, lines 29-34). Examiner is in agreement with applicant that Yonemitsu corrects the TOC using the parity information. Once an abnormal portion is detected it is corrected back to its original state.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Ehne whose telephone number is (571)-272-2471. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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